

James F. Basile (SBN 228965)
jbasile@kirkland.com
Mark E. McKane (SBN 232045)
mmckane@kirkland.com
KIRKLAND & ELLIS LLP
555 California Street, 27th Floor
San Francisco, California 94104-1501
Telephone: (415) 439-1400
Facsimile: (415) 439-1500

Attorneys for Defendant
APPLE COMPUTER, INC.

Lee M. Gordon (SBN 174168)
lee@hbsslaw.com
Elaine T. Byszewski (SBN 222304)
elaine@hbsslaw.com
HAGENS BERMAN SOBOL SHAPIRO LLP
700 South Flower St., Suite 2940
Los Angeles, CA 90017-4101
Telephone: (213) 330-7150
Facsimile: (213) 330-7152

-and-

Richard Arsenault
rarsenault@nbalawfirm.com
John Randall Whaley
jrwhaley@nbalawfirm.com
NEBLETT, BEARD & ARSENAULT
2220 Bonaventure Court
Post Office Box 1190
Alexandria, LA 71309-1190
Telephone: (318) 487-9874
Facsimile: (318) 561-2591

Attorneys for Plaintiff
JOSEPH BIRDSONG, individually
and as representative of the putative CLASS

[Additional Counsel Listed on Signature Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

JOSEPH BIRDSONG, individually and as
representative of the CLASS,

Plaintiff,

vs.

APPLE COMPUTER, INC.,

Defendant.

Case No. C 06-02280 JW PVT
Judge: Hon. James Ware

**STIPULATION AND JOINT MOTION TO
EXTEND RULE 16(B) AND 26(F)
CONFERENCE**

1 IT IS HEREBY STIPULATED AND REQUESTED by Plaintiff Joseph Birdsong,
2 individually and as representative of the putative Class, and Defendant Apple Computer, Inc.,
3 (“Apple”) pursuant to Fed. R. Civ. P. 6(b) and N.D. Cal. Civil L.R. 6-1(a), and consistent with the
4 parties’ agreements, that the Rule 16(b) and 26(f) Case Management Statement and Rule 26 Case
5 Management Conference deadlines be extended and stayed pending filing of Plaintiff’s Second
6 Amended Complaint. The parties request is made based upon the following:

7 WHEREFORE, Defendant Apple Computer, Inc. filed its Motion to Dismiss Plaintiff’s
8 Amended Complaint on Friday, November 10, 2006;

9 WHEREFORE, Plaintiff has requested sixty days to file a Second Amended Complaint in
10 lieu of opposing Apple’s Motion to Dismiss;

11 WHEREFORE, the parties believe that it is in their best interests and the best interests of the
12 Court’s resources to continue the Rule 16(b) and 26(f) Case Management Statement deadline,
13 currently scheduled for November 27, 2006, and Case Management Conference, currently scheduled
14 for December 4, 2006, until after Plaintiff files his Second Amended Complaint and the full scope of
15 the allegations are set forth;

16 WHEREFORE, based on the foregoing and for good cause shown, the parties respectfully
17 request that this Court order the following schedule:

18 Plaintiff shall file a Second Amended Complaint on or before January 15, 2007;

19 Apple shall Answer or otherwise respond to the Second Amended Complaint on or
20 before March 1, 2007;

21 The last day to complete initial disclosures or state objection in Rule 26(f) Report, file
22 Case Management Statement and file/serve their 26(f) Report on or before March 26,
2007; and

23 The Case Management Conference will be held on April 2, 2007 in Courtroom 8, 4th
24 Floor, San Jose at 10:00 AM.

1 Dated: November 15, 2006

Dated: November 15, 2006

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3 HAGENS BERMAN SOBOL SHAPIRO LLP

KIRKLAND & ELLIS LLP

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5 By: /s/ Lee M. Gordon

By: /s/ Mark E. McKane

6 Lee M. Gordon
7 Elaine T. Byszewski

James F. Basile
Mark E. McKane

8 Attorneys for Plaintiff
9 JOSEPH BIRDSONG,
10 individually and as representative
of the putative CLASS

Attorneys for Defendant
APPLE COMPUTER, INC.

11 Additional Counsel for Plaintiff,
12 JOSEPH BIRDSONG,
13 individually and as representative
of the putative CLASS:

14 Richard Arsenault
15 John Randall Whaley
16 NEBLETT, BEARD, ARSENAULT
2220 Bonaventure Court
17 Post Office Box 1190
18 Alexandria, LA 71309-1190
Telephone: (318) 487-9874
Facsimile: (318) 561-2591

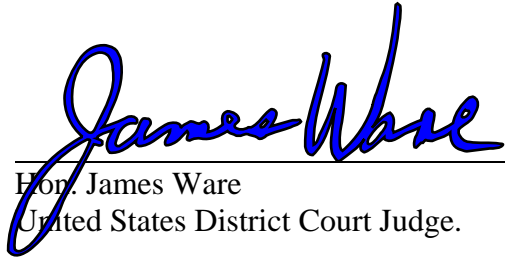
19 Steve W. Berman
20 HAGENS BERMAN SOBOL SHAPIRO LLP
1301 Fifth Avenue, Suite 2900
21 Seattle, Washington 98101
22 Telephone: (206) 623-7292
Facsimile: (206) 623-0594

23 Philip Bohrer
24 Scott Brady
25 BOHRER LAW FIRM, L.L.C.
8712 Jefferson Highway, Suite B
26 Baton Rouge, Louisiana 70809
27 Telephone: (225) 925-5297
28 Facsimile: (225) 231-7000

1 John P. Wolff, III
2 Christopher K. Jones
3 KEOGH, COX & WILSON, LTD.
4 701 Main Street
5 Post Office Box 1151 (70821)
6 Baton Rouge, Louisiana 70802
7 Telephone: (225) 383-3796
8 Facsimile: (225) 343-9612

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10 THE FOREGOING STIPULATION IS
11 APPROVED AND IT IS SO ORDERED

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Dated: ____ November 16th, 2006 ____



Hon. James Ware
United States District Court Judge.

ATTESTATION PURSUANT TO GENERAL ORDER 45

I, Mark E. McKane, am the ECF user whose ID and password are being used to file this
STIPULATION EXTENDING DEFENDANT'S DEADLINE TO RESPOND TO COMPLAINT.
In compliance with General Order 45, X.B., I hereby attest that Lee M. Gordon, counsel for Plaintiff
Joseph Birdsong, has concurred in this filing.

_____/s/_____
Mark E. McKane